

Date: **July 10, 2007**

Agenda Item No. 8(P)(1)(D)

To: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

From:   
George M. Burgess  
County Manager

Subject: Authorizing Execution of a Miami-Dade County Disclaimer for a Portion of NW 71  
Avenue, as Illustrated in the Unrecorded Plat of PROSPERITY ACRES Located at the NE  
¼ of Section 2, Township 54 South, Range 40 East

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**Recommendation**

It is recommended that the Board of County Commissioners (BCC) approve the attached resolution authorizing execution of a Miami-Dade County Disclaimer for a portion of NW 71 Avenue as illustrated in the unrecorded plat of PROSPERITY ACRES located at the NE ¼ of Section 2, Township 54 South, Range 40 East. The subject property is not needed by Miami-Dade County; therefore, the Public Works Department recommends that it be disclaimed.

**Scope**

Not Applicable.

**Fiscal Impact/Funding Source**

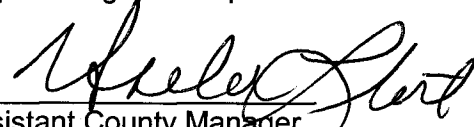
There is no fiscal impact associated with this item.

**Track Record/Monitor**

Not Applicable.

**Background**

The property owner immediately west of the subject parcel has requested that Miami-Dade County disclaims any rights that it might have on said parcel. The subject parcel, has not been dedicated, was never accepted by Miami-Dade County and is not needed. Access to the adjacent properties is provided by NW 72 Avenue. Portions of NW 71 Avenue, South of the subject location, have been previously disclaimed through Resolution No. R-1156-06. A location map and legal description are attached as Exhibit "A" and "B" and incorporated herein.

  
Assistant County Manager

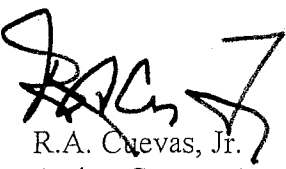


# MEMORANDUM

(Revised)

TO: Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

DATE: July 10, 2007

FROM:   
R.A. Cuevas, Jr.  
Acting County Attorney

SUBJECT: Agenda Item No. 8(P)(1)(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 8(P)(1)(D)

Veto \_\_\_\_\_

07-10-07

Override \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AUTHORIZING EXECUTION OF A MIAMI-DADE COUNTY DISCLAIMER FOR A PORTION OF NW 71 AVENUE, AS SHOWN IN THE UNRECORDED PLAT OF PROSPERITY ACRES LOCATED AT THE NE ¼ OF SECTION 2, TOWNSHIP 54 SOUTH, RANGE 40 EAST

**WHEREAS**, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board hereby approves and authorizes the execution of the attached Miami-Dade County Disclaimer in substantially the form attached hereto and made a part hereof; authorizes the Mayor to execute same for and on behalf of Miami-Dade County; and authorizes the Director of the Public Works Department to cause said Miami-Dade County Disclaimer to be recorded among the Public Records of Miami-Dade County, Florida. A location map and legal description are attached as Exhibit "A" and "B" and incorporated herein.

The foregoing resolution was offered by Commissioner  
who moved its adoption. The motion was seconded by Commissioner  
and upon being put to a vote, the vote was as follows:


Bruno A. Barreiro, Chairman	
Barbara J. Jordan, Vice-Chairwoman	
Jose "Pepe" Diaz	Audrey M. Edmonson
Carlos A. Gimenez	Sally A. Heyman
Joe A. Martinez	Dennis C. Moss
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this  
10th day of July, 2007. This resolution shall become effective ten (10) days after the date  
of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon  
an override by this Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency. 

Thomas Goldstein

## **Exhibit "A"**

### **LEGAL DESCRIPTION:**

**The West 40 feet of the East 91 feet of the South 100 feet of the North 550 feet of that portion of the NE 1/4 lying West of a 40 Canal Right-of-Way and West of the SAE Railroad Right-of-Way, all lying in Section 3, Township 54 South, Range 40 East, Miami-Dade County, Florida.**

Return to:  
Right-of-Way Division  
Miami-Dade County Public Works Dept.  
111 N.W. 1st Street  
Miami, FL 33128-1970

Instrument prepared by:  
Luis F. Lacau Jr., P.L.S.  
Right-of-Way Division

Section 2-54-40

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**MIAMI-DADE COUNTY, FLORIDA, DISCLAIMER**

**STATE OF FLORIDA** )  
**COUNTY OF MIAMI-DADE** )

**KNOW ALL MEN BY THESE PRESENTS** that **MIAMI-DADE COUNTY**, a Political Subdivision of the State of Florida, whose Post Office address is 111 N.W. 1st Street, Miami, Florida 33128-1970, does hereby give notice that it disclaims certain rights, title and interests which said **MIAMI-DADE COUNTY** has in the following described lands lying and being in Miami-Dade County, to wit:

See **EXHIBIT "A and B"** attached  
hereto and made a part hereof.

**WHEREAS**, NW 71 Avenue North of the Tamiami canal and South of NW 7 Street was shown on the unrecorded Plat of **BUSINESS SECTION OF PROSPERITY ACRES** dated November, 1945, and recorded in Official Record Book 2657, at Page 249, of the Public Records of Miami-Dade County, Florida; and

**WHEREAS**, the above described road was never accepted and is not needed by **MIAMI-DADE COUNTY** for access purposes; and

**WHEREAS**, the present property owner is requesting that Miami-Dade County extinguishes any interest it might have on the subject property:

**NOW, THEREFORE, MIAMI-DADE COUNTY DOES HEREBY DISCLAIM** any interest it has in the above-described lands by virtue of said unrecorded Plat dated November 1945, and recorded in Official Record Book 2657, at Page 249 of the Public Records of Miami-Dade County, Florida.

**IN WITNESS WHEREOF MIAMI-DADE COUNTY, FLORIDA**, has caused these presents to be executed in its name by its Board of County Commissioners acting by the Mayor and the Clerk or Deputy Clerk of said Board on this

\_\_\_\_\_ Day of \_\_\_\_\_, A.D. 2007.

**ATTEST:**

**MIAMI-DADE COUNTY, FLORIDA  
BY IT'S BOARD OF  
COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Mayor

Print: \_\_\_\_\_

Print: Carlos Alvarez

Address: 111 N.W. 1st Street  
Miami-Dade Center  
Miami, Florida 33128

The foregoing was authorized and approved on the \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2007, by Resolution No. **R-** \_\_\_\_\_ the Board of County Commissioners of Miami-Dade County, Florida.

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2007 by \_\_\_\_\_, who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

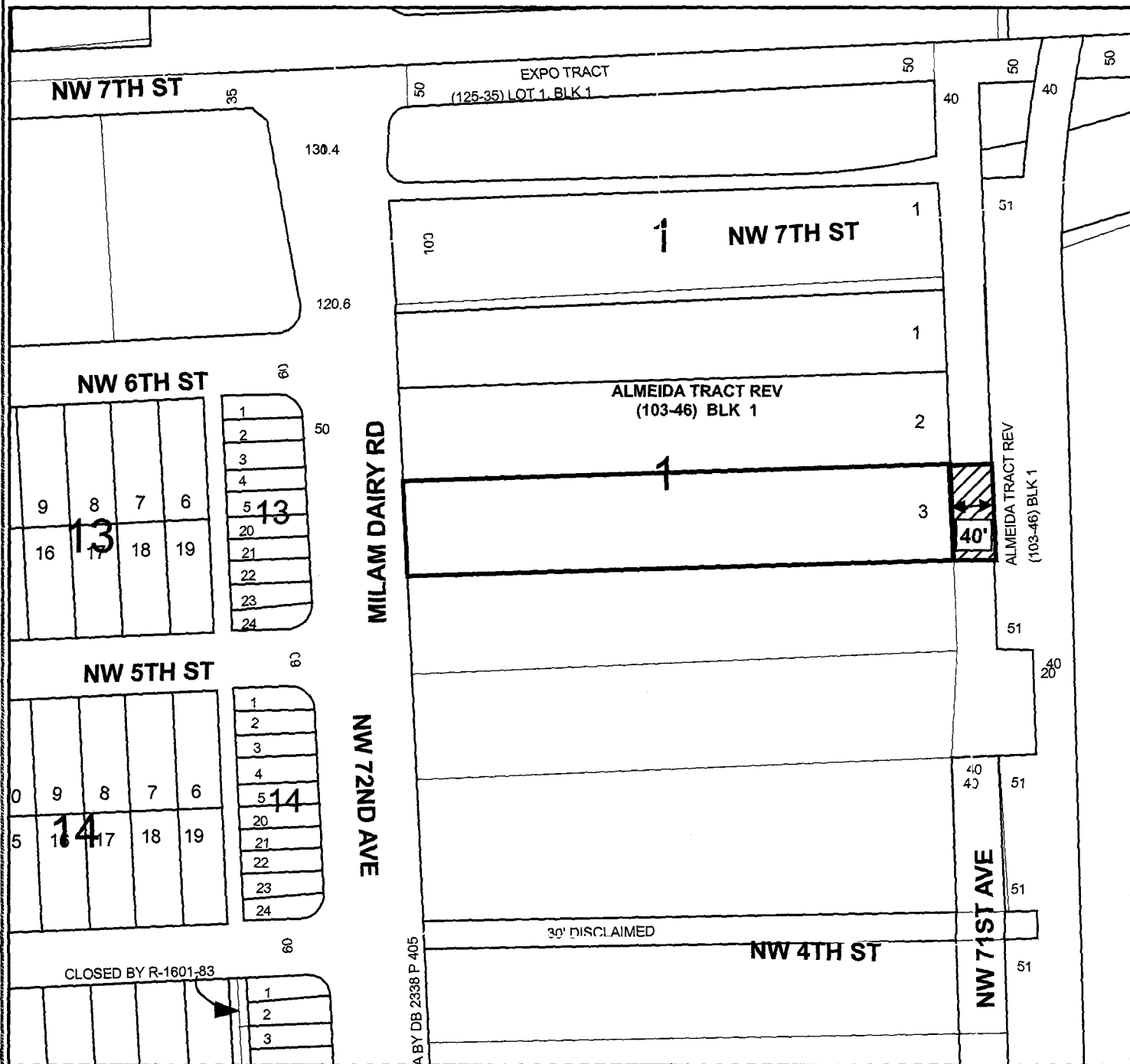
NOTARY PUBLIC

Sign: \_\_\_\_\_

Print: \_\_\_\_\_

STATE OF FLORIDA at large  
My commission expires: \_\_\_\_\_

7



THIS IS NOT A SURVEY

30-4002-032-0030

Municipality: UNINCORPORATED  
Commission District: Rebeca Sosa, 6

Legal:

02-54-40  
ALMEIDA TRACT REV PB  
103-46 LOT 3 BLK 1 LOT  
SIZE 58190 SQ FT OR  
21459-0319 072003 5



AREA TO BE DISCLAIMED

EXHIBIT "B"



NTS



MIAMI-DADE PUBLIC WORKS DEPARTMENT  
RIGHT-OF-WAY DIVISION  
111 NW 1st STREET, SUITE 1610, MIAMI FLORIDA 33128  
PH (305) 375-2714 FAX (305) 375-2825



Prepared by: Yazmin Moreno  
March 30, 2006